



City of Miami Springs, Florida

The Miami Springs City Council held a **REGULAR MEETING** in the Council Chambers at City Hall on Monday, May 14, 2007, at 7:00 p.m.

1. Call to Order/Roll Call

The following were present:

Mayor Billy Bain
Vice Mayor Bob Best
Councilman Paul C. Dotson
Councilman Xavier Garcia
Councilman Rob Youngs

Also Present:

City Manager James R. Borgmann
Assistant City Manager Ronald K. Gorland
City Attorney Jan K. Seiden
Chief of Police H. Randall Dilling
Finance Director William Alonso
Golf Director Michael W. Aldridge
City Planner Richard E. Ventura
City Clerk Magalí Valls

2. Invocation: Mayor Bain offered the invocation.

Salute to the Flag: The audience participated.

3. Awards & Presentations:

3A) Certificate of Sincere Appreciation to Freddie L. Lewis for Thirty-Two Years of Service to the City

Mayor Bain presented a Certificate of Sincere Appreciation to Freddie L. Lewis for 32 years of service in the Public Works Department.

On behalf of the Administration, City Manager Borgmann presented a clock with the City Seal. He said that it is difficult to lose an employee with so much experience and it had been a pleasure and honor working with Freddie.

Mr. Lewis thanked everyone and said that the City of Miami Springs had been his home for a long time.

3B) Certificate of Sincere Appreciation to Mario Segui for Sixteen Years of Dedicated Service to the City

Mayor Bain presented a Certificate of Sincere Appreciation to Mario Segui for 16 years of service in the Public Works Department.

On behalf of the Administration, City Manager Borgmann presented a clock with the City Seal. He thanked Mr. Segui for all his years of service.

3C) Certificates of Recognition – Springs River Festival – Art Contest Winners

Springs River Festival Chairperson Margie Palmer stated that the festival was a tremendous success this year. She introduced Assistant Chairperson Dennis Doyle and Treasurer Nikki Howard who helped present the awards to the winners.

Mayor Bain presented individual Certificates of Recognition to the winners of the Springs River Festival Art Contest.

3D) Certificates of Recognition – Springs River Festival – Essay Contest Winners

Mayor Bain presented individual Certificates of Recognition to the winners of the Springs River Festival Essay Contest.

4. Open Forum:

No speakers.

5. Approval of Council Minutes:

5A) 04/23/2007 – Regular Meeting

Minutes of the April 23, 2007 Regular Meeting were approved as written.

Councilman Garcia moved to approve and Councilman Dotson seconded the motion, which carried 3-0 on roll call vote (Vice Mayor Best and Councilman Youngs were absent at roll call).

6. Reports from Boards & Commissions:

6A) 04/23/2007 – Board of Appeals – Minutes

Minutes of the April 23, 2007 Board of Appeals meeting were received for information without comment.

6B) 04/25/2007 – Historic Preservation Board – Cancellation Notice

Cancellation Notice of the April 25, 2007 Historic Preservation Board meeting was received for information without comment.

6C) 04/26/2007 – Code Review Board – Cancellation Notice

Cancellation Notice of the April 26, 2007 Code Review Board meeting was received for information without comment.

6D) 05/01/2007 – Code Enforcement Board – Cancellation Notice

Cancellation Notice of the May 1, 2007 Code Enforcement Board meeting was received for information without comment.

6E) 05/07/2007 – Zoning and Planning Board – Cancellation Notice

Cancellation Notice of the May 7, 2007 Zoning and Planning Board meeting was received for information without comment.

6F) 05/07/2007 – Board of Adjustment – Approval of Actions Taken at their Meeting of May 7, 2007, Subject to the 10-day Appeal Period

Actions taken by the Board of Adjustment at their meeting of May 7, 2007 were approved subject to the 10-day appeal period.

Councilman Garcia moved to approve, subject to the ten-day appeal period and Vice Mayor Best seconded the motion.

City Manager Borgmann stated that there is one appeal and Agenda Item 11A is a request to schedule a Board of Appeals Meeting.

The motion was unanimously carried on roll call vote.

By **consensus**, Council scheduled a Board of Appeals meeting for the next Council meeting.

7. Public Hearings:

7A) Public Hearing – Second Reading – Ordinance – An Ordinance of the City Council of the City of Miami Springs Creating New Code of Ordinance Section 95-06, Rules and Regulations for Parks and Recreational Facilities; Providing Intent; Establishing Rules and Regulations Adoption Procedure; Delineating Future Actions by Resolution; Directing Notification of Rules and Regulations; Providing for Enforcement; Repealing all Ordinances or Parts of Ordinances in Conflict; Directions to Codifiers; Effective Date (First Reading: 4/23/2007 – Advertised: 5/3/2007)

City Attorney Jan K. Seiden read the ordinance by title.

Attorney Seiden explained that there have been no changes since the first reading of the ordinance that provides a framework from which rules and regulations can be promulgated and changed in the future by resolution.

Mayor Bain opened the public hearing to those persons wishing to speak. There were no speakers, and the public hearing was closed.

Councilman Garcia moved to adopt the ordinance. Vice Mayor Best seconded the motion, which was unanimously carried on roll call vote (Ordinance No. 955-2007).

8. Consent Agenda: (Approved simultaneously)

8A) Approval of the City Attorney's Invoice for April 2007 in the Amount of \$9,113.50

There was no discussion regarding this item.

Vice Mayor Best moved to approve the Consent Agenda. Councilman Youngs seconded the motion, which was unanimously carried on roll call vote.

8B) Recommendation that Council Waive the Competitive Bid Process and Award the Annual Fireworks Contract to Firepower Displays Unlimited, Inc., in the Amount of \$15,000.00

To answer Vice Mayor Best's question, City Manager Borgmann clarified that the Village of Virginia Gardens is contributing \$3,000.

Councilman Dotson inquired about the insurance coverage.

City Manager Borgmann explained that the City and the company who provides the fireworks are both insured. He added that a permit is required from the Fire Department and hopefully the drought situation will improve or the display might be cancelled.

Vice Mayor Best moved to approve the Consent Agenda. Councilman Youngs seconded the motion, which was unanimously carried on roll call vote.

9. Old Business:

9A) Status Report Regarding the Renovation/Rebuilding of the Community Center:

9A1) Engineering Report

City Manager Borgmann stated that at the last meeting Council authorized the Phase I work to see if the existing steel structure would hold up to current code as far as the wind load is concerned. He referred to the engineering report from Pistorino & Alam indicating that the existing frame is not adequate to comply with the current building code as it can fail in buckling; therefore, extensive bracing of the steel assembly must be added and some connections will have to be enhanced. The cost of providing the bracing is approximately \$200,000 plus an additional \$40,000 in engineering and a detailed condition survey of the existing steel structure.

Councilman Dotson asked if the engineer's suggestion is to use the same type of panels as replacement.

City Manager stated that in his conversation with the engineer he informed him that steel panels were also being considered. The engineer indicated that the type of panel does not matter because it all depends on the force of the wind against the panel that could cause the frame to buckle and fall.

Councilman Dotson said that the steel that is available for the roof and the wall panels is much lighter than concrete and it should make a difference what type of material is used for the building.

City Manager Borgmann clarified that it is not the weight hanging on the frame; what counts is the force of the wind on the building.

Councilman Dotson stated that the information submitted by Architect Martin Marquez indicated that use of the metal frame and roof would meet current codes. He asked what section of the Code would apply.

City Manager Borgmann recalled that the original report from Mr. Marquez included a disclaimer stating that nothing in the report should be "taken to the bank" so he did not follow through on that particular study.

Councilman Dotson commented that the Pistorino report is not sealed and signed, which is required by the Department of Professional Regulation. He added that the report is very brief, it was promised within a few days and it took almost three weeks.

Mayor Bain clarified that the information was promised for this meeting and it is up to Council to decide to trust the information or not. He said that the engineering firm works for various cities, Monroe County, Florida International University dealing with shelters and the fact remains that the estimate is \$200,000 to brace the walls and \$40,000 for the design.

Mayor Bain asked Council if they wanted to go ahead with Phase II to find out more information.

Councilman Dotson stated that his concern is to have enough information upon which Council can make an intelligent decision for an expensive project. The engineer took the CD and made a three dimensional computer analysis of the building, which is fine, but now Phase I is not clear when the engineer talks about expanding the diaphragm and what it means in terms of wind load strength and if it will be essential for a hurricane shelter. He added that there was no mention of the metal roof or walls.

Vice Mayor Best explained that his main concern is how the structure would meet the code in order to make it a hurricane shelter. Relative to the report, he faxed a copy to Boeing in Washington and had stress analysis look at what the engineer is proposing. He explained that he is happy with the response because every consideration was given to wind direction using coefficient factors and eleven of the fourteen pages were mathematic formulas that the average person could not understand.

To answer Councilman Dotson's question, Vice Mayor Best said that the interpretation is that the stress analysis that Mr. Pistorino performed is perfectly adequate based on what he is proposing.

City Manager Borgmann explained that the scope of work for Phase I was only to determine whether or not the existing steel frame would meet today's code for wind load, regardless of what type of panels are installed.

To answer Councilman Garcia's question, City Manager Borgmann stated that Phase II includes a site inspection and verification of the foundation system as well as a detailed inspection and verification of the configuration of the steel frame at a cost of \$6,000.00.

Councilman Dotson stated that he would feel more comfortable if the report had described what material is intended for the walls and roof and if he had specified metal. He asked why there is no difference between metal and concrete walls as far as wind load is concerned.

Mayor Bain clarified that the wall material does not matter because it is the wind that pushes against the wall and what holds the panels together.

Vice Mayor Best added that the issue is based on design.

Councilman Garcia suggested that the City Manager could ask the engineer to provide written verification indicating that the material does not make a difference. He asked if it is necessary to move ahead with Phase II in order to make a decision about utilizing the existing structure.

City Manager Borgmann stated the Recreation Needs Assessment will be complete in September and that Council needs to make a decision on whether or not to spend another \$6,000 for Phase II.

Councilman Youngs said that the purpose of Phase II is to determine if there is a viable option other than tearing down and rebuilding. He would like to go forward without delay to determine the answer for \$6,000 so that Council will have the facts. He added that Mr. Marquez could look at the Phase I report to see if he has any contentions, but the report does answer the question as to meeting current building code compliance for a cost of \$240,000. In September, there will be feedback on the needs and there will also be more information on the cost of the alternative options.

Councilman Dotson agreed with Councilman Youngs that Phase II would be necessary before a final determination can be made for the capacity of the building and any associated costs. He felt that it would be foolish to terminate the process at this time.

Councilman Garcia stated that he would not want to move ahead with Phase II if the credibility of Mr. Pistorino's Phase I report is being questioned.

Councilman Youngs emphasized that it is important to determine if the building can meet the standards for use as a hurricane shelter. He felt that the engineer avoided this issue in his report by stating that there are certain considerations to be made in the event it would be used during or in the aftermath of a hurricane.

City Manager Borgmann said that the engineer is not avoiding the hurricane shelter issue, and the Phase II work is needed in order to make the next set of determinations.

Councilman Youngs stated that hurricane shelter standards are different and if the requirements are additional wind load factor capabilities there could be more stringent requirements to be considered.

By consensus, Council authorized the City Manager to proceed with Phase II at a cost of \$6,000.00.

9A2) Needs Assessment Survey

City Manager Borgmann stated that Dr. Ananda Mitra of Management Learning Laboratories hosted several focus groups on May 8th and 9th with recreation staff, the senior center, major activity coordinators, teenagers, the combined Recreation Board and Golf Advisory Board and members of various civic groups with the purpose of helping him formulate the questionnaire that will go out to all residents.

City Manager Borgmann said that Dr. Mitra was happy with the input that was received and he has good ideas for structuring the questionnaire. The next step is to return the questionnaire to the City for review in order to make sure nothing was overlooked and Council will have an opportunity to give input as well. After the questionnaire is finalized it will be mailed, the information will be analyzed and a final report will be ready in September.

Councilman Dotson asked the City Manager to keep him informed because it is a very important feature of the City's recreation future. He would like a copy of the worksheet that will be available on May 18th, including the e-mails and correspondence so that Council will have a chance to submit questions.

Vice Mayor Best said that 4,500 questionnaires would be distributed to all residences in the City. He asked if there is any way to ensure that a higher percentage would be returned.

City Manager Borgmann responded that the City could advertise the fact that residents would be receiving the questionnaire that should be returned within five days in the postage paid return envelope.

Councilman Youngs requested a sample of the work that was done for other cities.

City Manager Borgmann explained that he asked for a copy of a final report or a rough sample of the questionnaire and he offered to follow up the next day.

Councilman Dotson reiterated that he would like Council to exercise an oversight function as the process develops so that everyone is happy with the final product.

9A3) Roof

City Manager Borgmann stated that the new roof was installed before last week's heavy rain and he received a call from the Recreation Center advising him that there were leaks all over the gym floor. The roofer was called, they met at the gym that morning and the roofer explained that the leaks involved the tin cap and nails when they hit the tongue and groove space between boards. His response to the problem was to have his crews back on the roof and to cover every tin cap with a dollop of "bull", which is a thick, pliable asphalt tar mixture that should seal every potential leak.

City Manager Borgmann explained that there is a warranty on the roof, final payment is being withheld and if the repair proves to be ineffective during the next rain, he will demand a new roof.

To answer Councilman Dotson's question, City Manager Borgmann stated that it is a ten-year warranty. He said that some wood was replaced outside the building under the eaves but very little wood was replaced inside.

9B) Consideration of Revised Proposal from the Florida International University Metropolitan Center to Assist the City with the Comprehensive Plan Amendment Process

City Manager Borgmann stated that this agenda item is a recommendation that Council waive the competitive bid process and approve an expenditure in an amount not to exceed \$10,000 to the Florida International University Metropolitan Center for assistance with the Comprehensive Plan amendment process, pursuant to Code §31.11 (E) (6) (g) of the City Code.

City Manager Borgmann stated that Task I had been completed and this request is related to Task II, which is the development of the amendment package.

Councilman Dotson asked about the status of the approval of the Evaluation and Appraisal Report (EAR).

City Planner Richard Ventura stated that the entire EAR package is currently in the hands of Paul Darst in Tallahassee waiting for his formal review and once this is completed, he will send the City a letter of final finding of sufficiency. There were two separate revisions and requests for more changes.

Councilman Youngs moved the item. Vice Mayor Best seconded the motion, which was unanimously carried on roll call vote.

City Manager Borgmann informed Council that a former assistant to Mr. Darst, Mr. Wilburn, has left the state to open his own consulting business and when the study is completed he will speak with him about using his services to help expedite the process in the future.

9C) Consideration of Partnering with Virginia Gardens to Repave Lafayette Drive

City Manager Borgmann stated that Virginia Gardens Mayor Deno called him several months ago regarding the paving of Lafayette Drive. Virginia Gardens received three quotes from A & R Equipment, Corp., H & R Paving, Inc. and APAC Group ranging in the amount of \$94,000, \$120,430 and \$130,000 respectively, and the City's portion would be half.

City Manager Borgmann informed Council that the quotes include milling the road down 1.5 inches and the cost would be reduced if the milling is less than 1.5 inches. He added that the paving could be delayed another 30-days because Virginia Gardens is considering one more project before this work.

To answer Vice Mayor Best's question, City Manager Borgmann said that he checked with Public Works and they indicated that Lafayette was last paved thirteen years ago.

City Manager Borgmann verified that funds are available from the CITT funds.

Councilman Garcia would like reassurance that the company who submitted the lowest bid is reputable.

Councilman Garcia moved the item and Vice Mayor Best seconded the motion.

Councilman Dotson inquired if the funds are available in this fiscal year's budget or if another project would be put on hold by doing this work.

City Manager Borgmann assured Council that funds are available from the People's Transportation Tax for this specific purpose.

Councilman Dotson was concerned that additional funds might be needed to subsidize the shuttle bus service.

City Manager Borgmann stated that presently the City has \$1.2MM in reserve for the past five years of CITT receipts, of which \$200,000 is for the transit portion. The annual receipts are now in the range of \$456,000, the 20% component is approximately \$91,250 and Medley and Virginia Gardens contributions to the transit system would total \$20,000.

City Attorney Seiden said that the City's share is only half the quote, and if Council is interested in the project, the City Manager will forward the information back to Mayor Deno and recommend the low bidder, upon receipt of references. Virginia Gardens will be asked to abide by the City's standards and select the lowest responsible bidder.

The motion was unanimously carried on roll call vote.

9D) Consideration of Adopting a Decorum Policy for City Council Meetings

City Manager Borgmann stated that Mayor Bain requested consideration of adopting a decorum policy. He referred to language stating that prohibited statements from the podium include no racial or ethnic slurs, no personal attacks or comments unrelated to City matters of business.

Mayor Bain explained that he did not approve of the original language that was presented and it was simplified in order to protect his rights and the rights of others from inappropriate comments. He always gives everyone the opportunity to speak and this would be a format to help him make a decision in difficult situations.

Vice Mayor Best stated that he likes the simplified version and Mayor Bain is capable of controlling the room. He agrees that personal attacks or slanderous comments are inappropriate.

Councilman Dotson felt that Mayor Bain had demonstrated his ability to control the meetings. He said that he could not support the decorum policy because people should not be intimidated to come to the podium to express their feelings and sometimes people get angry, which is their right.

Vice Mayor Best does not feel that the decorum policy violates the intent of free speech and the term decorum suggests a way of conducting yourself and there is no place in the Council Chambers for slander or attacking someone in an inappropriate fashion.

Mayor Bain stated that there have been times in the last six months when inappropriate comments were made and he does not have the ability to understand when he can stop someone from speaking. He supports free speech and the decorum policy has nothing to do with the right to speak at the podium. He welcomes anyone to express their comments to him at any time, anywhere.

City Attorney Seiden clarified that the decorum policy would be a policy of the Council that is now sitting, which is less stringent than the County and most cities and the Clerk will include the wording on the agenda. The Mayor is burdened by the fact that he has to make judgment, although he is fully capable, but he has to make decisions on the spur of the moment and if this passes, he will have a basis from which to draw a decision making process. It is a due process document because it informs people in advance what kind of conduct is not permissible from the podium.

Councilman Youngs stated that the Mayor has the authority to stop people from making false or slanderous remarks, it has nothing to do with free speech and the policy would put into place what is already accustomed practice, which is appropriate.

Vice Mayor Best asked if the Mayor were to exercise the authority of the decorum policy if the inappropriate statements made would be stricken from the minutes.

City Attorney Seiden clarified that everything that is said in the Council Chambers is a matter of public record.

Councilman Garcia moved the item and Vice Mayor Best seconded the motion, which was carried 4-1 on roll call vote with Councilman Dotson casting the dissenting vote.

9E) City Manager's Status Report on the Shuttle Bus

City Manager Borgmann stated that he is now able to present reasonable estimates regarding the potential implementation of a shuttle service for Miami Springs. He explained that a study was prepared by Corradino and Associates that includes facts, figures and a route map showing two routes serving the east and west sides of the City.

City Manager Borgmann reported that he had previously informed Council that he and Mayor Bain had met with City of Hialeah Mayor Robaina and their transit Staff. In 1993, they quoted a price of approximately \$148,000 to service the entire City and at this time they indicated the cost would be \$150,500 but that they could not service the entire City, only the east side with existing routes for a cost of \$92,000.

Miami Shores, Cutler Bay and Palmetto Bay have been using vehicles for hire and Miami Shores is the least expensive at \$48.00 per hour, according to Mr. Borgmann. He revisited the original Corradino Study prepared in 2003 and the recommended routes at that time reflect a system that would operate fourteen hours each day, Monday through Friday and Saturday for eight hours. This system would operate approximately 4,000 hours per year at \$48.00 per hour or \$192,000 per year. Given today's fuel prices, the hourly rate is not expected to remain the same.

City Manager Borgmann suggested that operating eight hours a day Monday through Friday would be more functional. He recommended going out for bids for service on an hourly rate basis and added that there should be a minimal fee to ride the shuttle and senior citizens could ride for free.

To answer Councilman Dotson's question, City Manager Borgmann said that Virginia Gardens and Medley have requested to be included in the service one day each week.

Mayor Bain suggested coordinating with Virginia Gardens Mayor Deno.

City Manager Borgmann said that a stop on N. W. 36th Street and Curtiss Parkway could service Virginia Gardens for little expense.

Councilman Dotson suggested prorating the cost for Virginia Gardens based on mileage. He is worried about the traffic going to and from Medley, especially in the afternoon and evenings.

City Manager Borgmann said that service to Medley would be at lunch time and the only problem is that the train could hold up the bus for twenty minutes.

Councilman Dotson asked whether or not the Request for Proposals would include a schedule in addition to the hourly rate.

City Manager Borgmann responded that the City would provide the proposed route and pose different questions regarding the schedule, split shifts, billing, etc.

Councilman Youngs said that Council should have the ability to consider the routes before they are implemented, especially considering that Medley and Virginia Gardens would be included. To be of value, the shuttle should be tied into existing mass transit lines in order to be able to go to and from work, which might require split shifts.

City Manager Borgmann said that the entire purpose of the shuttle bus is to transport people from the neighborhood to the main bus routes.

Vice Mayor Best suggested coordinating schedules with the railroad so that the City would have an idea of when the trains pass through.

Vice Mayor Best moved to direct the City Manager to go out to bid for operation of a shuttle bus service on an hourly basis. Councilman Garcia seconded the motion, which was unanimously carried on roll call vote.

9F) Discussion Regarding Political Signage Code Changes

City Manager Borgmann stated that during the recent election a moratorium was placed on the five-foot limitation for signage and it would be appropriate to amend the language in the Code to replace it with verbiage to prevent the placement of signs obstructing a public right-of way or sidewalk.

The following changes are recommended for discussion:

1. The elimination of the five-foot rule, except for side lot lines.
2. Estimate distance from street for areas without a sidewalk.
3. Removal of code language related to up to five signs being left after an election.
4. Include specific language about authority to pick up signs on public property and disposal.
5. Eliminate the bond requirement and substitute a ticketable offense after ten days.
6. The homeowner would be ultimately responsible for signs on his or her property.
7. Code Compliance will draft a diagram of the Recreation Center parking lot with Election Day usage recommendations.

Councilman Youngs asked for clarification of recommendation number three.

City Attorney Seiden said that recommendation three and five are tied together and the question was raised as to why five signs are allowed to be left after an election. A provision could be added to require all signs to be removed within a certain amount of time or else it becomes a ticketable offense. Another issue is the \$200.00 bond because it is difficult to enforce for state or county elections.

Councilman Garcia stated that signs must be removed in ten days and Code Compliance performs a sweep of the City to determine there are no more signs before calling the candidates to come pick up the bond. He asked what would happen if signs are missed and remain after the bond is returned.

Mayor Bain believes that the five-foot limitation should be removed. He added that signs on public property can be removed under the current ordinance.

City Attorney Seiden recommended including a provision so that the City has the right to remove signs on public property without being challenged.

Mayor Bain suggested that candidates should be given a courtesy call about signs in the swales.

To answer Vice Mayor Best's question, City Attorney Seiden stated that the homeowner is ultimately responsible for signs on his or her property and eliminating the five-foot rule will solve most of the problems.

Assistant City Manager Gorland stated that national election signs are already going up and the City cannot hold those candidates responsible.

Councilman Dotson said that he does not like the idea of holding the homeowner responsible. Code Compliance will be making a sweep and the candidates should be given 10-days from the time they are notified to remove the signs. He added that some residents claimed that they did not authorize the placement of signs in their yard and they get incensed if they think they are responsible and subject to ticketing.

City Manager Borgmann stated that the \$200.00 bond comes from the candidates' campaign account and it is held by the City until all signs are removed.

Mayor Bain asked to address each recommendation individually and by consensus, Council **agreed** to the following:

- Eliminate the five-foot rule as long as signs do not infringe upon the right-of-way.
- Estimate the distance from the street as 16-feet in areas without sidewalks.
- Remove the language related to five signs remaining.
- Include specific language giving the City authority to remove signs on public property.
- Keep the bond and ten-day provision.
- The candidate should be responsible for his or her signs.

City Attorney Seiden said that the people who come to vote have a problem parking due to campaigning and certain areas can be barricaded to provide an appropriate corridor to allow the people to exercise their right to vote. This would be a policy adopted by Council and not part of the ordinance.

Councilman Garcia stated that it might be appropriate to close off one section, but not to limit or reduce political campaigning because it is traditional in Miami Springs.

Councilman Dotson said that during the last election people were campaigning beyond the 100-foot limit and Code Compliance wanted to cite them for having the signs in the public right-of-way, which is unnecessary.

City Manager Borgmann stated that during the campaign no signs were allowed on Curtiss Parkway or Westward Drive and during early voting the issue was a gross proliferation of one or two candidates.

Councilman Dotson suggested that a time period for the placement of signs could be established.

City Attorney Seiden explained that restricting the time could raise First Amendment issues. He would not object to a provision saying that political signs can be placed as soon as the candidate is qualified.

Councilman Youngs said that shortening the qualification period is another matter to consider. He agreed with the City Attorney's suggestion to tie the placement of signs with the qualification of the candidate.

To address Councilman Dotson's recommendation, City Attorney Seiden said that he would add a provision stating that manned signs can be held in the right-of-way.

Councilman Garcia was of the opinion that two weeks would be better than ten-days for sign removal.

Mayor Bain asked to schedule an agenda item to discuss the date of the Municipal Election since it coincides with the Spring Break for Miami-Dade County Public Schools.

Councilman Garcia stated that there are other election issues that should be considered as agenda items.

10. New Business:

10A) Appointment of Council Liaison to the Architectural Review Board

City Manager Borgmann stated that Vice Mayor Best had volunteered to be the Council Liaison.

Councilman Garcia moved the appointment. Councilman Youngs seconded the motion, which was carried 5-0 on roll call vote (Councilman Garcia and Councilman Youngs voted "no" as a joke).

10B) Enforcement of Water Restriction Violations

City Manager Borgmann stated that the City has been told to enforce the Phase Two water restrictions and the information is posted on Channel 77. There is a \$75.00 fine for the first offence and tickets will be issued, since numerous warnings have been issued up to this point.

Vice Mayor Best commented that Broward and Palm Beach counties will go to Phase Three.

City Manager Borgmann said that it is a very serious problem when the wells are infiltrated with salt water and Miami Springs is a very active well field. Four major wells in Broward and Palm Beach are shut down because they have reached the limit for salinity.

10C Resolution – A Resolution of the City Council of the City of Miami Springs Amending the Schedule of Charges and Fees for the Operation of the Miami Springs Golf and Country Club; Effective Date

City Attorney Jan K. Seiden read the resolution by title.

To answer Mayor Bain's question, Golf Director Mike Aldridge explained that the resolution adopts the summer rates.

Councilman Youngs asked how the rates compare with other local courses since they are not the lowest in the County.

Mr. Aldridge stated that Miami Springs charges more than the Country Club of Miami, which has two courses to market, more than Costa Greens and less than Key Biscayne. The twilight rate is \$29.00 during the week and \$31.00 on the weekend.

Councilman Garcia and Councilman Dotson complimented Mr. Aldridge for doing a great job.

Councilman Garcia moved to adopt the resolution and Vice Mayor Best seconded the motion, which was unanimously carried on roll call vote (Resolution No. 2007-3358).

11. Other Business:

11A) Scheduling of Board of Appeals Meeting to Hear Appeal of Board of Adjustment Case No. 23-V-07 – 280 Navajo Street

This item was considered after Agenda Item 6F.

11B) Rescheduling of the May 28, 2007 Regular Meeting Due to the Memorial Day Holiday

City Manager Borgmann stated that because the next Regular Council meeting falls on Memorial Day he recommends rescheduling it to Tuesday, May 29th.

Vice Mayor Best moved to approve and Councilman Youngs seconded the motion, which was unanimously carried on roll call vote.

Chief of Police Dilling asked Council to make a decision on the fine structure for the enforcement of the water restrictions. Miami-Dade County ordinance calls for a \$75.00 fine for the first offence, and up to \$500.00 for the second and subsequent offences, which means the amount can be anything within that range. The County is charging \$150.00 for the second offence, \$300.00 for the third offence, and \$500.00 for additional offences. He recommended that Council approve this structure.

Councilman Garcia moved to adopt the County fee structure and Councilman Youngs seconded the motion, which carried unanimously on roll call vote.

12. Reports & Recommendations:

12A) City Attorney

No report.

12B) City Manager

Water and Sewer System

City Manager Borgmann reported that a meeting was held last week with Miami-Dade County Water and Sewer representatives regarding the final rate structure if the system is turned over to the County. They submitted numbers that are being reviewed to make sure that all costs are accounted for and there will be a forthcoming memo outlining the advantages and disadvantages. The information that was received is encouraging to continue on with the process and the County was able to say how they would deal with the bond issue.

City Manager Borgmann stated that there are regulations imposed by State Statutes regarding the Sale of a Water or Sewer Utility by the City, and there are still many situations to discuss. It appears that the ultimate decision will not rest solely on the amount of money the residents will save and there will be many other factors that he hopes to report by the end of the week. A public hearing is required when the residents are invited to speak and all the pros and cons will be discussed.

City Manager Borgmann said that turning over the water and sewer system will be a decision that is critical to the future of the City.

Pelican Playhouse

City Manager Borgmann said that the "Alices in Wonderlands" production was excellent and Vice Mayor Best's daughter was outstanding.

Men's Basketball

City Manager Borgmann stated that the men's basketball league is in full swing with six teams.

Football Registration

City Manager Borgmann stated that the Football registration for the kids is starting for the Fall.

Summer Camp

City Manager Borgmann informed Council that the Summer Camp registration is fully booked for all age groups, programming is planned and staff has been hired. Arrangements were made with Miami-Dade County School Board to utilize one of their buses and drivers for an hourly rate of \$32.00 until the City's new bus is delivered.

Lightning Prediction System

City Manager Borgmann reported that plans are moving forward for the lightning prediction system and door hangers will be distributed to residents informing them about the system.

Golf Revenue

City Manager Borgmann announced that April was a record revenue month for the Golf Course and the financials will be distributed this week.

Sub-tropical Storm

City Manager Borgmann stated that the sub-tropical storm off the coast of North Carolina was a reminder to get ready for hurricane season. A Staff kick-off meeting will be held on Tuesday, May 15th so that every department reviews the procedures that will go to the Safety Committee.

12C) City Council

Street Paving

Vice Mayor Best asked to notify the residents of the joint street paving project with the Village of Virginia Gardens.

Springview Portables

Vice Mayor Best stated that he received reports of activity in the area around Robin and Partridge Avenue relative to survey markings in the road and when the surveyors were approached, one indicated that Springview is getting ready to add some buildings. He called Region 3 Director Robert Kalinsky and School Board member Renier Diaz de la Portilla who advised him that there are plans for three portables.

Pelican Playhouse

Vice Mayor Best thanked City Manager Borgmann for the kind words about the Pelican Playhouse. He said that Ralph Wakefield had outdone himself and it is amazing the work he does and the people who are involved, especially the students who achieve good grades in school as well.

Career Day

Vice Mayor Best reported that he spoke to the Middle School students about their careers on behalf of Mayor Bain and the City was very beneficial in sending Lieutenant Kahn and Programs Coordinator Patti Bradley. The Air Force participated and it was a wonderful event.

Shuttle Bus

Vice Mayor Best is glad to see that progress is finally underway regarding the shuttle bus service.

Charter School

Councilman Dotson said that he was informed that a Charter Middle School is being organized at the Presbyterian Church with a maximum capacity of 250 students that will mostly come from outside the City and he is concerned about the parking. He was told that a State law does not permit the City to regulate Charter Schools.

City Attorney Seiden stated that City Planner Ventura received a call from a local realtor about the Charter School and brought the matter to City Manager Borgmann. In the City Code under the P-2 use for churches, a Charter School was not an approved use; however, the Charter School representatives referred to F.S. S. 1002.33 (18) (c) that preempts local zoning. Many churches maintain schools and the City will have full enforcement powers in regard to traffic and parking.

City Manager Borgmann explained that the City can enforce the two-hour limit on the street and the regulations for safe pick-up and drop-off points.

Councilman Dotson said that the City is not in need of schools and he understands the Charter Schools must give priority to certain students.

Councilman Garcia stated that there is a Charter School Governing Board that goes through a selective process to determine who is admitted to the school and that Miami Springs' and Virginia Gardens' residents began the movement for the Charter School.

City Attorney Seiden said that there are twenty five pages in the Statute related to Charter Schools and a copy could be provided to Council.

Fair Havens: Noise Problem

Councilman Dotson requested a follow-up on the Fair Havens noise problem and what progress had taken place. The focus has been on what Trane can do to solve the problem but the responsibility relies on Fair Havens.

Assistant City Manager Gorland stated that the Code Compliance Officer checks with Fair Havens on a weekly basis. Their architect made a recommendation and has concurrence to move forward with a brick enclosure on top of the facility and they are in the process of obtaining a permit.

Councilman Dotson asked to be informed when the permit is authorized.

Building Permit Extensions

Councilman Dotson said that discussion took place at the last meeting regarding an indefinite building permit and it was agreed to follow up to see what had transpired.

Assistant City Manager Gorland stated that it is the responsibility of the Building Official to determine whether or not progress is being made. In the case of the seawall on the lake, the Building Official does not feel more than one extension would be appropriate unless they show material progress and the site would have to be returned back to the original condition.

Prayers

Councilman Garcia asked everyone to keep former Councilman Elza in their prayers for his recovery from surgery.

Fishing Expedition for Kids

Councilman Garcia stated that he had the privilege of going on the fishing expedition with the Optimist Club as part of promoting the upcoming fishing tournament. He had a wonderful time, together with Mayor Bain, Virginia Gardens Mayor Deno, and Commissioner Pepe Diaz. Councilman Garcia learned that a State fishing license is required to fish even in a little canal and this information should be posted on Channel 77.

Funding Procedures

Councilman Garcia asked to consider setting procedures for requesting and acquiring funding from Tallahassee as a future agenda item. He said that he and Councilman Youngs came back from Dade Days with zero funding for Miami Springs and it is not enough to send letters.

City Manager Borgmann explained that the legislative officials should be invited to Council meetings and meetings with Staff.

School Boundary Changes

Councilman Youngs reported that the Miami-Dade County School Board would make a decision on Wednesday, May 16th regarding the boundary changes that are favorable concerning State School “WWW” and State School “JJJ” and will take some land out of the Miami Springs feeder pattern. State School V-1 in Hialeah is making an adjustment that will take 141 students out of Springview and send them to James Bright Elementary in Hialeah.

Councilman Youngs said that the Education Advisory Board had requested a resolution supporting the amendment, although the changes are most likely to be adopted since there is very little controversy. He will prepare a letter of appreciation for the Mayor to sign and mail to the Region 1 and Region 3 Centers.

Officer of the Year Dinner

Mayor Bain stated that the Respect for Law Dinner would be held at the Optimist Club on Wednesday, May 16th.

Optimist Fishing Tournament

Mayor Bain announced that the Optimist Fishing Tournament is coming up on Saturday, June 9th including a fish fry. There are good sponsors this year and Commissioners Rebeca Sosa and Jose “Pepe” Diaz have offered assistance. The Optimist Club also sponsored the fishing expedition for kids to have an opportunity to experience fishing.

Tot- Lot Shade

Mayor Bain said that the shade issue will be placed on the next Council agenda. He asked to consider plans for placing a camera to monitor the Tot-lot.

13. Adjourn.

There being no further business to be discussed the meeting was adjourned at 9:57 p.m.

Billy Bain
Mayor

ATTEST:

Magalí Valls, CMC
City Clerk

Approved as written during the City Council Special Meeting of Tuesday, May 29, 2007.

Transcription assistance provided by S. Hitaffer